

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Applicant has reviewed the Final Office Action of March 24, 2006, and submits that this paper is responsive to all points raised therein. A Petition for Extension of Time and Request for Continued Examination is filed concurrently herewith.

Status of the Claims

Claims 12 and 14-21 are presently pending. Claims 12, 14, 16, 18 and 21 have been amended.

Rejections Under 35 USC §102(b)

Claims 12-14, 17 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,803,955 to Gonsalves. The rejection is respectfully traversed.

The present invention relates to an apparatus for transferring fluid compositions for coloring concrete comprising, a tank, a pump, a discharge line, a removable cover, and a system for rinsing the tank, including a fluid intake port and a dispenser for fluid, coupled to the cover, and a controller. The dispenser provides fluid for contacting the walls of the interior of the tank. The pump serves to withdraw fluids from the tank. The controller operates the apparatus and the system for rinsing the tank. The controller includes modes for directing the aqueous fluid intake port to direct the aqueous fluid to enter the interior of the tank and for directing the pump to transfer the concrete coloring fluid from the tank through the discharge line. For example, as a result of this structure, one color can be delivered to a ready mix truck, the tank rinsed, and another different color delivered to another ready mix truck, safely and without leftover color in the tank.

On the contrary, Gonsalves teaches a feeding system, in which milk in a tank is passed to the animals via gravity. Agitator blades 132 in the tank are for stirring the milk, to prevent the butter fat from separating. A spray discharge head connected to pump 88 is used to distribute sanitizing liquid to the tank, when feeding is complete. The pump 88 is not used to withdraw milk from the tank.

Applicant respectfully submits that Gonsalves fails to teach or suggest each and every element of claims 12-14, 17 and 21. Gonsalves fails to teach or suggest an apparatus having a tank and fluid transferring apparatus for transferring a concrete coloring fluid to a supply of concrete. Gonsalves makes no mention of any type of coloring materials or concrete.

Gonsalves further fails to teach or suggest a pump and a discharge line extending from the pump for transferring the fluid from the tank to a supply of concrete. The milk and the sanitizing liquid leave the tank of Gonsalves via gravity, not under the pressure of a pump. The pump 88 of Gonsalves discharges the sanitizing liquid in the tank. The pump 88 of Gonsalves does not discharge the sanitizing liquid out of the tank. Accordingly, it is respectfully asserted that Gonsalves does not show the structure of claim 12, and therefore, does not anticipate the claimed invention under 35 USC §102(b).

Gonsalves further fails to teach or suggest that a controller including modes for directing the aqueous fluid intake port to direct the aqueous fluid to enter the interior of the tank and for directing the pump to transfer the concrete coloring fluid from the tank through the discharge line. For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12-15, 17-19, and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,868,516 to Moseley. The rejection is respectfully traversed.

Moseley describes a homogenizer for mixing and blending various fluidic chemical compositions. The apparatus of Moseley recirculates the fluidic chemical compositions through orifices to blend and break up particles. As Moseley is directed to recirculating, Moseley does not include a discharge line.

Applicant respectfully submits that Moseley fails to teach or suggest each and every element of claims 12-15, 17-19, and 21. Moseley fails to teach or suggest an apparatus having a tank and fluid transferring apparatus for transferring a concrete coloring fluid to a supply of concrete. Moseley makes no mention of any type of coloring materials or concrete.

Moseley further fails to teach or suggest a controller including modes for directing the aqueous fluid intake port to direct the aqueous fluid to enter the interior of the tank and for directing the pump to transfer the concrete coloring fluid from the tank through the discharge line.

Moseley fails to teach or suggest a dispenser coupled to a removable cover. The discharge tube 15 of Moseley is mounted on the plate 16. See Column 1, Lines 56-57. The discharge tube of Moseley is not mounted to the removable top cover section 9. As such, Moseley fails to teach or suggest a dispenser coupled to a removable cover.

Moseley further fails to teach or suggest connection to a fluid source. Moseley further fails to teach or suggest a discharge line. The apparatus of Moseley recirculates the fluidic chemical compositions through orifices to blend and break up particles. As such, Moseley fails to teach or suggest an apparatus having a tank and fluid transferring apparatus for transferring a

concrete coloring fluid out of the tank and to a supply of concrete. For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12-15 and 17-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6361201 to Russell. The rejection is respectfully traversed.

Russell describes a closed system in which water and dry additives are mixed to form a concentrate solution to be utilized by dialysis solution. Applicant respectfully submits that Russell fails to teach or suggest each and every element of claims 12-15 and 17-21. Russell fails to teach or suggest an apparatus having a tank and fluid transferring apparatus for transferring a concrete coloring fluid to a supply of concrete. Russell makes no mention of any type of coloring materials or concrete.

Russell fails to teach or suggest a removable cover attached to the tank 12. Russell describes a closed top 14. Given the importance of sterility to dialysis, the top 14 would not be regularly opened to the ambient environment. Moreover, the nozzles 54 and 56 of Russell are not coupled to the top 14. Instead, the nozzles 54 and 56 are formed from the return line 52 passing through the closed top 14. See Column 3, lines 31-35. As such, Russell fails to teach or suggest a dispenser coupled to a removable cover.

Russell further fails to teach or suggest a controller including modes for directing the aqueous fluid intake port to direct the aqueous fluid to enter the interior of the tank and for directing the pump to transfer the concrete coloring fluid from the tank through the discharge line. For at least these reasons, reconsideration and withdrawal are respectfully requested.

Rejections Under 35 USC §103(a)

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent U.S. Patent No. 6,361,201 to Russell. Claim 21 was rejected under 35 U.S.C. § 103(a) as being

anticipated by U.S. Patent No. No. 6,361,201 to Russell in view of U.S. Patent No. 4,803,955 to Gonsalves. These rejections are respectfully traversed. In view of the remarks with respect to claim 12, reconsideration and withdrawal of these rejections are respectfully requested.

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims is respectfully requested.

Respectfully submitted,

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